

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
EDDIE JOHNSON,)
)
Defendant.)
)

8:01CR244

MEMORANDUM AND ORDER

Eddie Johnson (who sometimes claims to be Eddie Muldrew) has filed a motion to reduce his sentence “citing Amendment 706 to the United States Sentencing Guidelines.” (Filing 189.) While the defendant was convicted of conspiracy to possess with intent to distribute crack cocaine, and while I assume that the defendant may be technically eligible for consideration of a sentence reduction as a result of retroactive amendments to the crack cocaine Guidelines, I will deny the motion.

First, the defendant was sentenced to 121 months in prison. (Filing 123.) Because he was responsible for more than 50 grams of crack cocaine, the statutory minimum sentence was (and is) 120 months. (Filing 124 at CM/ECF p. 17 ¶¶ 76-78.) Thus, even if Johnson was entitled to some reduction, the relief could be no greater than 1 month.

Second, Johnson’s post-sentence behavior suggests that even if I have the discretion to reduce his sentence by one month, I should not grant him any relief. Three examples are illustrative. When I allowed him freedom after sentencing, Johnson had to be arrested because he apparently violated his conditions of release while in California. (E.g., filings 118, 128, 139, 140 and 141.) Furthermore, on November 29, 2004, I was informed in a letter from the Bureau of Prisons that Johnson had been placed on escape status. Finally, following his sentence, Johnson has filed a plethora of motions that border on the frivolous. (E.g., filings 187-188 (“Petition for Writ of Error Audita Querela” and order denying the same).)

IT IS ORDERED that the motion to reduce sentence (filing 189) is denied.

DATED this 12th day of May, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge